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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,318	12/26/2001	Michael Volovets	FS10077/US	8905

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EXAMINER

FOX, JOHN C

ART UNIT PAPER NUMBER

3753

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/034,318

Applicant(s)

VOLOVETS ET AL.

Examiner

John Fox

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7 and 9-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-27 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 11-16 is/are rejected.
- 7) ☒ Claim(s) 4, 7, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3753

This action is responsive to the communication filed February 23, 2004.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 11, 13 and 15-16 are rejected under 35 U.S.C. 103 as being unpatentable over Wessman in view of Rockwell and further in view of Ronchi. Wessman teaches a metering valve and includes two secondary slots 3, which are shown as triangular but which may also have a curved bottom, see column 3, lines 1-6. The secondary slots end short of the seat to provide an exponential flow rate versus position. The primary slots and secondary slots are arranged symmetrically and have different shapes. Wessman does not teach a stem seal or a closed position.

Rockwell shows a metering valve which includes a closed position. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have provided the valve head of Wessman with a seat portion to close the flow completely. It should be noted that the majority of valves use a unitary seat and regulator structure.

Ronchi shows a reciprocating valve which uses a diaphragm stem seal. It would have been obvious for one of ordinary skill in the art to have used such a diaphragm with the valve of Wessman to seal the stem.

Claim 14 is rejected under 35 U.S.C. 103 as being unpatentable over Wessman as applied above and further in view of Kingsford et al (US '416). Wessman, as modified, show the claimed valve except for being a

fluoropolymer. Kingsford et al teach that valves of fluoropolymer are known where a corrosive fluid is valved or high purity of the fluid must be maintained, see column 1, lines 18-31. It would have been obvious for one of ordinary skill in the art to have made the Wessman valve, as modified, of a fluoropolymer to provide for using the valve thereof with corrosive or high purity fluids.

Claims 4, 7 and 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 17-27 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Fox whose telephone number is 703-308-2595. The examiner can normally be reached on Maximum Flextime.

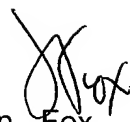
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave scherble can be reached on 703-308-1257. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/034,318

Art Unit: 3753

Page 4

A handwritten signature in black ink, appearing to read 'John Fox', is positioned above the printed name.

John Fox  
Primary Examiner  
Art Unit 3753